

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANTHONY LEE PITT,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-20-00952-PRW
)	
STATE OF OKLAHOMA,)	
)	
Respondent.)	

ORDER

On October 28, 2020, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation (Dkt. 5) in this action, recommending that Petitioner’s “Appeal for Earned Credit/ Discharge Sentence” (Dkt. 1) be dismissed without prejudice for his failure to prosecute the action.

Petitioner was advised that he had a right to object to the Report and Recommendation by November 18, 2020, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72, and that failure to make a timely objection would waive any right to appellate review of the factual and legal issues addressed in the Report and Recommendation (Dkt. 5). No objections have been filed as of this date. Having failed to object, Petitioner has accordingly waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation (Dkt. 5).¹

¹ *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *cf.* 28 U.S.C. § 636(b)(1) (requiring a district judge to “make a de novo determination of those portions of the report

Upon review of the Report and Recommendation (Dkt. 5), the Court:

- (1) **ADOPTS** in full the Report and Recommendation (Dkt. 5) issued by the Magistrate Judge on October 28, 2020; and
- (2) **DISMISSES WITHOUT PREJUDICE** Petitioner's "Appeal for Earned Credit/ Discharge Sentence" (Dkt. 1).

IT IS SO ORDERED this 23rd day of November, 2020.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE

or specified proposed findings or recommendations to which objection is made" but otherwise permitting a district judge to review the report and recommendations under any standard it deems appropriate).